UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:09-cv-242-MR-DSC

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THIS CAUSE being heard by the undersigned upon motion of the Plaintiff ThyssenKrupp Materials NA, Inc. ("ThyssenKrupp") for default judgment against Defendant, Truck Equipment Manufacturing Company of Charlotte, Inc. ("TEMC").

IT APPEARING TO THE COURT that ThyssenKrupp's Complaint was filed on June 15, 2009; that TEMC was served via certified mail, return receipt requested on June 23, 2009; that TEMC failed to file an answer or other responsive pleading; that default was entered against Defendant TEMC on August 24, 2009 by the Clerk/Assistant Clerk of Court; and that ThyssenKrupp has set forth the grounds upon which this Court has jurisdiction over Defendant TEMC and has set forth that TEMC is not an infant, incompetent person, or subject to any other disability.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that ThyssenKrupp have and recover of and from TEMC, the principle sum of Six Hundred Thirty Thousand, Eight Hundred Ten and 91/100 Dollars (\$630,810.91). ThyssenKrupp shall also have

and recover interest at the rate of 18 percent as provided by the terms of the invoices from the date of delinquencies. The date of the delinquencies is April 1, 2009. Per the terms of the invoices, daily interest since April 1, 2009 is \$311.08 per day. ThyssenKrupp shall have and recover principle plus daily interest in the amount of \$677,161.83 (i.e., \$630,810.91 plus \$311.08 per day since April 1, 2009) as of the date of entry of this Judgment. ThyssenKrupp shall also have and recover post-judgment interest in the amount of \$311.08 per day until this Judgment is paid and satisfied in full.

Signed: August 27, 2009

Frank G. Johns, Clerk

United States District Court